



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

ment granting appellant relief, and the Commonwealth, County, and District bring error. Affirmed.

The Attorney General, Volney E. Howard, of Lynchburg, and *A. H. Light*, of Rustburg, for plaintiffs in error.

John G. Haythe, of Lynchburg, and *Wyndham R. Meredith*, of Richmond, for defendant in error.

ATLANTIC COAST LINE R. CO. v. CHURCH.

June 14, 1917.

[92 S. E. 905.]

1. Railroad (§ 324 (1)*)—Crossing as Proclamation of Danger.—A railroad track across a highway is itself a proclamation of danger, and travelers approaching such crossing on the highway must exercise proper precautions for their own safety.

[Ed. Note.—For other cases, see Railroads, Cent. Dig. §§ 1020, 1022, 1023.* 4 Va.-W. Va. Enc. Dig. 137; 11 Va.-W. Va. Enc. Dig. 592.]

2. Railroads (§ 335 (5)*)—Injuries at Crossing—Contributory Negligence.—Even though the railroad company was guilty of negligence, a traveler injured at a crossing cannot recover if his own neglect to take proper precaution for his own safety proximately contributed to his injury.

[Ed. Note.—For other cases, see Railroads, Cent. Dig. § 1028.* 4 Va.-W. Va. Enc. Dig. 135.]

3. Railroads (§ 324 (1)*)—Crossing as Proclamation of Danger.—To constitute a proclamation of danger at its crossing, a railroad company should not do or omit to do anything likely to disarm the traveler and reassure him of his safety, and, if the tracks at a crossing have been abandoned, they do not constitute in themselves a proclamation of danger.

[Ed. Note.—For other cases, see Railroads, Cent. Dig. §§ 1020, 1022, 1023.* 4 Va.-W. Va. Enc. Dig. 140.]

4. Railroads (§ 350 (13)*)—Injuries at Crossing—Question for Jury.—Where rails at a crossing were so covered with earth as not only to be invisible on the highway bed, but to convey the impression that the track was not in use by trains, the rails themselves were obscured by vegetation growing close to them, and there was no crossing signal board, which the road was required to place by Code 1904, § 1294d, subsec. 49, whether or not a prudent man exercising due care commensurate with the danger to be apprehended in ap-

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

proaching such a track would apprehend danger or would feel assured of his safety under the circumstances, was for the jury.

[Ed. Note.—For other cases, see Railroads, Cent. Dig. § 1166.* 4 Va.-W. Va. Enc. Dig. 140, 143.]

5. Railroad (§ 337 (1)*)—Injuries at Crossing—Negligence—Facts and Circumstances.—In an action against a railroad for injuries at a crossing where the rails were rusty and level with the highway, vegetation was growing, and there was no signal board, as required by statute, whether the negligence of the road was the proximate cause of the injury was to be determined from all the facts and circumstances of the case.

[Ed. Note.—For other cases, see Railroads, Cent. Dig. §§ 1090, 1093.* 4 Va.-W. Va. Enc. Dig. 130, 143.]

6. Appeal and Error (§ 1067*)—Harmless Error—Instruction.—In an action against a railroad for injuries at its crossing, it being inconceivable that the competent attorneys who argued the case left the jury in any doubt as to the burden of proof, the court certifying that the case was argued by the opposing attorneys upon proper assumptions as to the burden of proof, the court's inadvertent failure to read defendant's requested instruction on the burden of proof was harmless to defendant.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. § 4229; Trial, Cent. Dig. § 475.* 1 Va.-W. Va. Enc. Dig. 604.]

Error to Circuit Court, Nansemond County.

Action by Luther M. Church against the Atlantic Coast Line Railroad Company. To review a judgment for plaintiff, defendant brings error. Affirmed.

Wm. B. McIlwaine and *Bernard Mann*, both of Petersburg, for plaintiff in error.

Mann & Tyler, of Norfolk, for defendant in error.

WATKINS, Treasurer, et al. *v.* BARROW et al.

June 14, 1917.

[92 S. E. 908.]

Taxation (§ 44*)—Uniformity—Road Tax.—Code 1914, § 944a, cl. 11, as amended by Laws 1915, c. 86, exempting property within any town which maintains its own streets from the payment of a county road tax, is not in violation of Const. 1902, § 168 (Code 1904, p. cclxii), providing that all taxes shall be uniform upon the same class of subjects within the territorial limits of the authority of levying taxes,

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.